IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 13589 of 2005

Between:

Madhura Nagar Plot Owners Welfare Association Rep by its General Secretary, Kattela Srinivas Yadav,
S/o. Sri Balaiah, aged 38 years, having its registered Office at Plot No. 152, Road No. 4, Vydehi Nagar,
Vanasthalipuram, R.R. District.

..... PETITIONER

AND

1 Razia Khanam, W/o. Mohd. Mumtaz Ali, Major,
R/o. House No. 22-1-378, Mir Alam Mandi, Hyderabad.
2 Mumtaz Ali, S/o. Md. Maqsood Ali, Major,
R/o. House No. 22-1-378, Mir Alam Mandi, Hyderabad.
3 Mohd. Masood Ali, S/o. M.D. Maqsood Ali,
R/o. House No. 22-1-378, Mir Alam Mandi, Hyderabad.
4 Mrs. Khaneez-E-Rabad @ Sameena, W/o. Hyder Ali Kharasani,
R/o. House No. 22-1-378, Mir Alam Mandi, Hyderabad.
5 Raheemunnisa Begum, S/o. Late Nawab Sadat Ali Khan,
R/o. 8-2-589, Banjara Hills, Road No. 8, Hyderabad.
6 Jan Baz Ali Khan, S/o. Late Nawab Sadat Ali Khan, Major,
R/o. U.K. rep by their GPA Holder Sri R/o. 17-3-1/3, Yukutputa, Near Railway Station, Yakutpura,
Hyderabad.
7 Sayeedunnissa Begum, D/o. Late Nawab Sadat Ali Khan, Major,
R/o. U.K. rep by their GPA Holder Sri R/o. 17-3-1/3, Yukutputa, Near Railway Station, Yakutpura,
Hyderabad.
8 Sabdar Unnissa Begum, W/o. Late Bande Ali Khan, Major,
R/o. 17-3-1/3, Yukutpura, Near Railway Station, Yakutpura, Hyderabad.
9 Mir Mustafa Ali Khan, S/o. Late Bande Ali Khan, Major,

R/o. 17-3-1/3, Yukutpura, Near Railway Station, Yakutpura, Hyderabad.
10 Mir Abhas Ali Khan, S/o. Late Bande Ali Khan, Major,
R/o. 17-3-1/3, Yukutpura, Near Railway Station, Yakutpura, Hyderabad.
11 Syedhunnisa Begum, S/o. Late Bande Ali Khan, Major,
R/o. 17-3-1/3, Yukutpura, Near Railway Station, Yakutpura, Hyderabad.
12 Bathulunnisa Begum, D/o. Late Bande Ali Khan, Major,
R/o. 17-3-1/3, Yukutpura, Near Railway Station, Yakutpura, Hyderabad.
13 Hyder Ali Khursani, S/o. Not known to the Plaintiff, Major,
R/o. 17-3-1/3, Yukutpura, Near Railway Station, Yakutpura, Hyderabad.
14 The Revenue Divisional Officer, East Division, Ranga Reddy District at Goshamahal, Hyderabad.
15 The Deputy Collector & Mandal Revenue Officer, Hayathnagar Mandal, R.R. District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly a writ in the nature of mandamus declaring the action of the 14th respondent in not disposing of the appeal or the stay application filed against the 15 th respondent's orders dated 15-4-2005 as made in Roc No. B/1456/2004 and the consequential action of the respondents 1 to 13 and 15 in trying to dispossess from the lands to an extent of Ac. 70.39 guntas, spreading across Sy.Nos. 108, 109, 110 and 111 in Thattiannaram revenue Village, Hayathnagar Mandal, R.R. District as being illegal, arbitrary and violative of Articles 14, 19, 21 and 300-A of the constitution of India and pass such other order or orders as are deemed fit and proper.

Counsel for the Petitioner: MR.D.SESHADRI NAIDU

Counsel for the Respondent Nos. 14,15: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

Heard both sides.

In this Writ Petition, petitioner's Society is seeking a Writ of Mandamus, declaring the action of the fourteenth respondent in not disposing of the appeal or the stay application filed against the orders of the 15th respondent dated 15.4.2005

and the consequential action of the respondents 1 to 13 and 15 in trying to dispossess from the lands to an extent of Ac. 70.39 guntas, spreading across S.Nos. 108, 109,110 and 111 in Thattiannaram Revenue Village, Hayathnagar Mandal, R.R. District as illegal, arbitrary and violative of Articles 14,19,21 and 300-A of the Constitution of India.

The brief facts of the case are that the entire extent of land along with certain other extents of agricultural lands originally belonged to one late Maddi Satyanarayana Reddy, S/o Atchi Reddy and he acquired right, title and interest over the said property. Till this date he has been continuously reflected in the revenue records as the owner thereof and the possessory column indicates plots, thus reflecting the fact that the members of the petitioner association have been in possession of their respective extents thereof. While matters stood thus, late M. Satyanarayana Reddy along with his brother one Sri Bal Reddy executed a registered General Power of Attorney on 19.9.1980 in the name of one Sri M. V. Rangachari, S/o Appalachari, clothing him with the power of alienation. Accordingly, the said Satyanarayana Reddy and Bal Reddy demarcated the entire extent of their land into house plots and sold them to various purchasers thorough registered sale deeds for valid consideration through their GPA agent and all the registered sale transactions took place in the years around 1980 to 1982. Having been put in to actual and effective possession of their respective extents, various plot owners have continuously been enjoying their plots to this day. While so, one Smt. Quamerruniisa Begum, W/o late Nawab Saddad Ali Khan filed O.S.No. 887 of 1987 on the file of the IV Additional Judge, City Civil Court, Hyderabad, against 11 respondents for the relief of partition of the said suit properties admeasuring Acs. 165.31 guntas. Though an extent of Acs. 145.07 guntas was shown in the ‘C’ schedule property, as the property situated at Thattiannaram, no item of the present suit schedule property was shown in the said suit. In course of time, the said suit was dismissed by the trial court on 24.7.1992 and an appeal was preferred in CCCA No. 30 of 1993 by the legal representatives of the petitioner as she died *lis pendence*. Consequently, it appears that the parties had an excuse of a compromise and accordingly obtained a compromise decree on 15.2.2001. It further submitted that though there was no amendment of whatever nature in the memo filed for the compromise, the present plaint schedule properties with their survey numbers were shown in the said memo under the pretext that survey numbers shown in the plaint are old survey numbers and the very survey numbers were altered and a collusive compromise decree was

obtained to defeat the rights of the true owners. It further submitted that under the guise of compromise decree, the respondents have applied to the Mandal Revenue Officer, Hayathnagar Mandal, R.R. District for the mutation of Revenue entries as if they are the owners of the plaint schedule property and the Mandal Revenue Officer, without following the procedure under A.P. Rights in Land and Pattadar Pass Books Act, 1971, passed orders on 15.4.2005 mutating the records. Though the said proceedings of the Mandal Revenue Officer are void ab initio and do not bind the members of the petitioner-Association, yet the said members have already filed the statutory appeal before the Revenue Divisional Officer, East, Ranga Reddy, along with stay application, under Section 5(5) of Act No. 26 of 1971, but the same is still pending.

In view of the above facts and circumstances of the case, I don't think that the petitioner has any claim in his favour. Therefore, the writ petition fails and it is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. However, it does not preclude the Revenue Divisional Officer-14th respondent herein, to dispose of the appeal filed by the petitioner-Association on 16.6.2005, in accordance with law after affording an opportunity to the petitioner-Society.

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E. DHARMA RAO, J

DATED: 24/06/2005

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To

1. The Revenue Divisional Officer, East Division, Ranga Reddy District at Goshamahal, Hyderabad.
2. The Deputy Collector & Mandal Revenue Officer, Hayathnagar Mandal,

R.R. District.

3. Two CCs to G.P. for Revenue, High Court of A.P., Hyderabad (OUT)

4. Two CD copies.